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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,128	04/18/2001	Tazwell L. Anderson JR.	011997-1030	3095
24504	7590	07/14/2004		
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			EXAMINER VU, NGOC K	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 07/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/837,128

Applicant(s)

ANDERSON ET AL.

Examiner

Ngoc K. Vu

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2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/29/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rallison et al (US 5,903,395 A) in view of Vancelette (US 5,894,320 A).

Regarding claim 1, Rallison discloses a handheld device (a visual display device as shown in figures 2-4) for viewing video signals and hearing audio signals, comprising:

a signal interface and receiver (34, 36 & 38) configured to receive audio and video signals (see col. 4, lines 17-24 and figures 1 & 15);

a display system (image generator 72) configured to produce virtual images visible to a user when said handheld device is engaged with said user's face, said virtual images based on said video signals (see col. 5, lines 11-44 and figures 1-8 & 15); and

a speaker system (52a & 52b) configured to produce sounds audible to the user, said sounds based on said audio signals (see col. 4-5, lines 66-10).

Rallison does not explicitly disclose viewing different video signals and audio signals associated with an event. However, it noted that the system provides different camera angles video and audio feeds for viewing a program of event such as football game as disclosed by Vancelette (see col. 5, lines 20-34). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Rallison by providing different camera angles video and audio feeds for viewing

a program of event as disclosed by Vancelette to allow the users watching a sport event with different views.

Regarding claim 6, Rallison discloses a handheld device (a visual display device as shown in figures 2-4) for viewing video signals and hearing audio signals, comprising:

a signal interface and receiver (34, 36 & 38) configured to receive audio and video signals (see col. 4, lines 17-24 and figures 1 & 15);

a processing system (all of the electronics associated with the production of the video device in the main portion 12) configured to process said video signal (see col. 5, lines 11-54); and

a display system (image generator 72) configured to produce virtual images visible to a user when said handheld device is engaged with said user's face, said display system comprising a liquid crystal display (see col. 5, lines 11-54 and figures 1-8 & 15).

Rallison does not explicitly disclose viewing different video signals and audio signals associated with an event. However, it noted that the system provides different camera angles video and audio feeds for viewing a program of event such as football game as disclosed by Vancelette (see col. 5, lines 20-34). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Rallison by providing different camera angles video and audio feeds for viewing a program of event as disclosed by Vancelette to allow the users watching a sport event with different views.

Regarding claim 11, Rallison discloses a handheld device (a visual display device as shown in figures 2-4) for viewing video signals and hearing audio signals, comprising:

means for receiving video signals and audio signals (via 34, 36 & 38 - see col. 4, lines 17-24 and figures 1 & 15);

means for producing a virtual image visible to said user when said handheld device is engaged with said user's face (via image generator 74 - see col. 5, lines 11-54 and figures 1-8 & 15); and

a means for producing sounds audible to said user (via speakers 52a and 52b - see col. 4-5, lines 66-10).

Rallison does not explicitly disclose a means for reception audio and video signals associated with an event and means for selecting one of the audio signals and one of the video signals based on inputs from a user. However, Vancelette teaches that a viewer can select among a choice of available camera angle and audio feeds for viewing a program associated with a sport event. The service provider therefore must decide which video and audio signals are transmitted to the viewer based on viewer's selection (see col. 5, lines 20-47). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Rallison by providing the selected video and audio signals among a choice of available camera angles and audio feeds for viewing a program associated with a sporting event as taught by Vancelette in order to allow the viewer to watch the program with different views selectively.

Regarding claim 13, Rallison discloses a method for viewing video signals and hearing audio signals, comprising the steps of:

providing a handheld device (visual display device as shown in figures 2-4);

receiving said video and audio signals at the device (via 34, 36 & 38 - see col. 4, lines 17-24 and figures 1 & 15);

processing said received video and audio signals (all of the electronics associated with the production of the video device in the main portion 12 must process the received video and audio signals for displaying, e.g., video signal are converted into an image or a series of images such as simulating motion - see col. 5, lines 11-54);

displaying a virtual image of said received video signals to a user (via image generator 72 – see col. 5, lines 11-54 and figures 1-8 & 15); and

producing sounds audible to said user, said sounds based on the received audio signals (via speakers 52a and 52b - see col. 4-5, lines 66-10).

Rallison does not explicitly disclose viewing different video signals and audio signals associated with an event. However, it noted that the system provides different camera angles video and audio feeds for viewing a program of event such as football game as disclosed by Vancelette (see col. 5, lines 20-34). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Rallison by providing different camera angles video and audio feeds for viewing a program of event as disclosed by Vancelette to allow the users watching a sport event with different views.

Regarding claims **2, 8, 12 and 17**, Rallison further discloses a shroud (112 – see figure 1) blocking ambient light when said handheld device is engaged with said user's face (see figure 1; abstract and col. 7-8, lines 62-11).

Regarding claims **3 and 9**, Rallison teaches that the shroud is configured with a broad cross session (12, 82 and 112) to shield both of said user's eyes at the same time when said handheld device is engaged with said user's face (see figure 1).

Regarding claims **4 and 10**, Rallison further discloses that the shroud is configured that there is an amount of space between said users eyes and the portion of said handheld device which resides in front of said user's eyes, said amount of space sufficient to accommodate eyeglasses being worn by said user (see col. 4, lines 6-13).

Regarding claim **5**, Rallison shows that the shroud is adapted to receive said user's forehead (see figure 1).

Regarding claims **7, 14 and 15**, Rallison discloses providing the processed video to image generator 72 for displaying and providing the processed audio to speakers 52a & 52b for hearing (see col. 5, lines 10-54 and col. 4-5, lines 65-10). It should be noted that the handheld device must separate the video signals and audio signals before providing them to the image generator and speakers. Thus, the device demodulates the received video signals and audio signals.

Regarding claim **16**, Rallison discloses the step of holding said handheld device to said user's face (see figure 1).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Robinson et al. (US 5,696,521 A) discloses a video headset.

Quint et al. (US 5,546,099 A) discloses a mounted display system with light blocking structure.

Tosaki (US 5,392,158 A) discloses a head-mounted image display with a housing for covering both eyes of the user and a support for mounting the housing on the head of the user.

Atsumi et al. (US 6,351,252 B1) discloses a head-mounted picture display device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ngoc K. Vu', with a long horizontal flourish extending to the right.

Ngoc K. Vu  
Examiner  
Art Unit 2611

July 8, 2004